

CSBA Sample

Administrative Regulation

All Personnel

AR 4161.9(a)

4261.9

CATASTROPHIC LEAVE PROGRAM

4361.9

Note: Education Code 44043.5 authorizes the Governing Board to establish a catastrophic leave program which permits employees to donate accrued vacation and sick leave credits to other employees who experience a catastrophic personal or family illness or injury. If the Board elects to offer a catastrophic leave program (see the accompanying Board policy), the district is **mandated** pursuant to Education Code 44043.5 to adopt administrative rules and regulations which include, at a minimum, provisions setting the maximum amount of time for which donated leave credits may be used, requiring verification of the illness or injury, and making all transfers of leave credit irrevocable. These components may be specified in collective bargaining agreements. The following regulation includes the required components.

The district should revise the following regulation if the Board has determined that donations of leave will be limited to vacation leave only and does not allow sick leave to be donated. The district may also revise the following administrative regulation as appropriate if it chooses to establish separate pools of leave credits, such as for each school or for certificated and classified employees, or if it chooses to allow employees to specify a particular employee to whom they wish to donate such leave.

Donations to Catastrophic Leave Program

Note: Education Code 44043.5 requires that donations of leave be made through written notice to the Board. The following **optional** paragraph delegates the authority to receive such written notice to the Superintendent or designee. The district may provide a form to be used for notification purposes.

An employee who chooses to donate accrued vacation and/or sick leave credits to the district's catastrophic leave program shall provide written notice to the Superintendent or designee of the amount and type of leave he/she wishes to donate. The Superintendent or designee shall review the donor's available leave and transfer the leave credits to a district pool of leave credits designated for this purpose.

Donations shall be at a minimum of eight hours, and in hour increments thereafter. (Education Code 44043.5)

All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)

Note: The following paragraph is **optional**. Districts may choose to revise the following paragraph to limit the amount of leave that may be donated by an individual employee, so that his/her own account does not go below a specified number of hours that may be needed by the employee for his/her own potential use. Before instituting such a limit, the district should consult with legal counsel.

Employees should be cautious in making large donations of leave that they may need for their own use in the future. DONORS SHALL NOT REDUCE THEIR ACCUMULATED SICK LEAVE TO FEWER THAN 40 HOURS → EXISTING POLICY LANGUAGE; RECOMMEND

Note: The following paragraph is **optional**.

The Superintendent or designee shall ensure that all donations are confidential.

NOT IN
CURRENT
POLICY

RECOMMEND KEEP

CATASTROPHIC LEAVE PROGRAM (continued)

Requests for Catastrophic Leave

Note: The following section may be revised to reflect the district's eligibility criteria for the catastrophic leave program.

A full-time or part-time employee may apply to the Superintendent or designee to use paid leave from the catastrophic leave program if he/she earns paid time off but has exhausted all his/her accrued paid leave and needs to take time off from work for an extended period of time due to his/her or a family member's catastrophic illness or injury. If the employee is incapacitated, a family member or caretaker may apply on his/her behalf.

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

The employee shall provide verification of the illness or injury. (Education Code 44043.5)

Note: The following paragraph may be revised to reflect district practice.

IN CURRENT POLICY
Verification shall be made by means of a letter, dated and signed by the individual's health care provider, indicating the incapacitating nature and probable duration of the illness or injury. RECOMMEND KEEP

Note: The following optional paragraph establishes a maximum amount of leave credits that may be donated to an individual employee and should be revised to reflect district practice and/or collective bargaining agreements.

NOT IN CURRENT POLICY
An employee may apply to receive up to 20 days of paid leave from the catastrophic leave program per school year. At the end of the 20-day period, he/she may apply for up to 20 days of additional leave credits.

RECOMMEND KEEP: TO PREVENT SUDDEN DEPLETION OF LEAVE CREDITS

Employees receiving compensation under worker's compensation provisions are not eligible to receive leave from the catastrophic leave program until exhausting such benefit.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

Note: Education Code 44043.5 requires the district to indicate the maximum amount of time for which donated leave credits may be used, not to exceed a period of 12 consecutive months. The following paragraph may be revised to indicate a time period of less than 12 months.

An employee who is the recipient of donated leave credits shall use those credits within 12 consecutive months. (Education Code 44043.5)

AR 4161.9(c)
4261.9
4361.9

CATASTROPHIC LEAVE PROGRAM (continued)

Note: The following paragraph is optional.

IN CURRENT POLICY
If donated leave credits are not used by the employee within 12 consecutive months, the credits shall be returned to the pool of catastrophic leave for use by other eligible employees.

RECOGNIZED KEEP

An employee who receives catastrophic leave shall use any leave credits that he/she continues to accrue on a monthly basis before receiving paid leave pursuant to this program. ✓
(Education Code 44043.5)

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